

Docket: 7003/45



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stefan Ludwig et al.
Application No.: 10/550,856
Int'l Filing Date: 03/24/2004
Title: CASPASE INHIBITORS, ESPECIALLY CASPASE 3 INHIBITORS, FOR THE TREATMENT OF INFLUENZA
Group Art Unit.: Unassigned
Confirmation No.: 6403
Atty. Docket No.: 7003/45

INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☒ A legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☐ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☒ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

FEES

- IV. ☒ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
 - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
 - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
 - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)
before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
 - b. ☐ See the statement below. No fee is required.
- VI. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**
on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
 - 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).
- VII. ☐ **STATEMENT UNDER 37 C.F.R. §1.97(e)** (check only one box, if applicable)
The undersigned hereby states that
- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
 - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
 - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. **PAYMENT OF FEES**
- ☐ A check in the amount of _____ is enclosed for the above-identified fee(s).
 - ☐ Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
 - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
 - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,



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MAYER & WILLIAMS
Customer Number 27774

Enclosures: ☒ PTO/SB/08
☒ References
☐ Foreign Search Report
☐ Other:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR 1.8 in an envelope addressed to:

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(Printed name of Person Mailing Correspondence)


(Signature)

FEB 16 2007

Please type a plus sign (+) inside this box. FORM PTOL 85B/08

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/550,856
				Int'l Filing Date	3/24/2004 (PCT Filing Date)
				First Named Inventor	Stefan Ludwig et. al.
				Group Art Unit	Unassigned
				Confirmation No.	6403
				Examiner Name	Unassigned
				Attorney Docket Number	7003/45
Sheet	1	of	1		

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Issue Date MM-DD-YYYY
		Number	Class/Subclass		
	1.	6,303,374 B1	435/375	Zhang et al.	10-16-2001

Examiner Initials*	Cite No. ¹	U.S. Patent Applications		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Class/Subclass		

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	T
		Office ³	Number	Class/ Subclass			
	1.	WO	2003/015689 A2	A61K 31/136	Medinnova Gesellschaft Fur Medizinische Innovationen Aus Akademis	02-27-2003	
	2.	WO	2001/76570 A2	A61K 31/352	Transmitt Gesellschaft Fur Technologietransfer MBH	10-18-2001	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ²
	1.	WALTER J. WURZER ET AL., "Caspase 3 activation is essential for efficient influenza virus propagation", <i>The EMBO Journal</i> , April 15, 2003 by the European Molecular Biology Organization, Vol. 22, No. 11, pp. 2717-2728					
	2.	TAKENORI TAKIZAWA ET AL., "Recruitment of Apoptotic Cysteine Proteases (Caspases) in Influenza Virus-Induced Cell Death", <i>Microbiol. Immunol.</i> , 1999, Vol. 43, No. 3, pp. 245-252					

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation, if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.